

# **SAN LUIS OBISPO COUNTY COMMUNITY ADVISORY COUNCIL HANDBOOK**



**2006**

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## **PURPOSE OF THIS HANDBOOK**

San Luis Obispo County is a unique and highly desirable community in which to live. We believe this did not occur by accident, but resulted from the efforts of many devoted, caring and involved residents in our communities that have participated in the planning process.

This handbook has been created for San Luis Obispo County Community Advisory Council members to use as a guide to providing important feedback and recommendations on issues to the Board of Supervisors, the Planning Commission and the Department of Planning and Building. It identifies what an advisory council is and its role in the planning process. It also offers suggestions on procedures and conduct of the advisory council.

In addition to this handbook, the Department of Planning and Building has also prepared an Advisory Council Training Program. The training program is intended to help current and future advisory council members understand and effectively participate in the planning process. This training program will be offered once a year to advisory council members and other interested parties.

It is our hope that this handbook and training program will help advisory council members understand the roles, and explain the responsibilities of, the Planning and Building Department staff, Community Advisory Council members and the county decision-makers, so that together we can find solutions to issues and explore new opportunities for the future of your community and for the county.

The Board of Supervisors, Planning Commission and Department of Planning and Building would like to thank all of the Community Advisory Council members, both past and present, for their tremendous efforts at giving a voice to their communities' concerns. San Luis Obispo County is fortunate to have such a strong grass roots program.

## WHAT IS A COMMUNITY ADVISORY COUNCIL?

Community Advisory Councils are authorized to represent their communities by the San Luis Obispo County Board of Supervisors. Each Community Advisory Council receives funds from the Board of Supervisors to help pay for administrative costs.



The Board of Supervisors adopted a policy that formally established criteria for “Board-Recognized Community Advisory Councils” through adoption of Resolution No. 96-485 on December 10, 1996.

The resolution states that the Board of Supervisors:

Values the input of Community Advisory Councils

Wants to make sure that advising bodies addressing the Board of Supervisors on current and future planning matters in the unincorporated areas actually represent the communities for which they speak

Wishes to establish a consistent set of guidelines to assist in the formation of future Community Advisory Councils

## **Board of Supervisors Resolution**

The resolution also states that in order for a Community Advisory Council to be recognized by the Board of Supervisors, it **must** meet the following five criteria:

1. A Community Advisory Council must be based in and represent a defined community within an establish Urban or Village Reserve Line, which can include representatives from outlying or surrounding unincorporated areas associated with the community.
2. Community Advisory Council membership should reflect a broad cross-section of the community.
3. Community Advisory Council meetings should occur regularly and be publicly noticed in a timely manner, and be open to all members of the public.
4. Community Advisory Council by-laws should be established and maintained which direct the organization and protocol of the council. These should include a statement of purpose, the rules of order, frequency of meetings, and appointment or election of members.
5. Recommendations made by the Community Advisory Council and forwarded to the Board of Supervisors or the Planning Commission should be arrived at by a majority vote of the quorum of the membership, with as much public input as feasible.

## THE ROLE & ACTIVITIES OF COMMUNITY ADVISORY COUNCILS

There are currently ten Board-recognized Community Advisory Councils in San Luis Obispo County. These Councils represent the following communities and the surrounding unincorporated areas surrounding:

Avila Valley	Cambria
Cayucos	Los Osos
Nipomo	Oceano/Halcyon
Santa Margarita	San Miguel
Shandon	Templeton

Each Community Advisory Council is unique in its composition, its interests and its way of conducting business. Most Community Advisory Councils have elected representatives. This representation can be based on district precincts within the community and the surrounding area, groups or organizations, or a combination of both.

Some Community Advisory Councils review all projects that are proposed in their area of interest. Others review only larger developments. Some have specialized “land use committees” that review all projects and only bring forward certain projects to the whole of the advisory council.



## **Mission Statements**

Many Community Advisory Councils define their purpose through the creation of a Mission Statement. An adopted Mission Statement make the role and the purpose of the Community Advisory Council clear to its members and the general public who attend meetings. It also provides direction to new members.

Mission Statements should be brief and focus on what is most important to the community. They provide the most value when they are a constant in the operation of the advisory council. The Avila Valley Advisory Council includes its Mission Statement on the agenda so that it remains fresh in everyone's mind.

Other Community Advisory Councils do not have specifically adopted Mission Statements, but define their purpose in their by-laws.

## **Community Advisory Council Goals**

Community Advisory Councils often adopt goals and objectives. These can be changed from year-to-year to reflect the current Advisory Council's interests and what they would like to complete during their tenure on the council. They should also reflect current issues and concerns of the community.

This type of list detailing goals and objectives can be helpful when trying to prioritize the many duties of the council.

## **Community Advisory Council Duties**

Each council assigns itself different duties that are relevant to the particular community. These duties should be specified in the council's by-laws. For example, the duties of the Chairperson, Vice-Chairperson, Secretary and Treasurer should be specifically defined in the council's by-laws.

It is important that someone be assigned the task of reflecting the council recommendations in written form to the Department of Planning and Building and the decision-makers.

One of the council's duties is to advise the county decision-makers on current and future planning matters. This is where Community Advisory Councils interact with staff from the Department of Planning and Building. The council makes recommendations on proposed plans and ordinances and development proposed in their community. The council makes its recommendations based on the wishes of community. However, these recommendations must be within the context of federal, state and local laws and regulations.

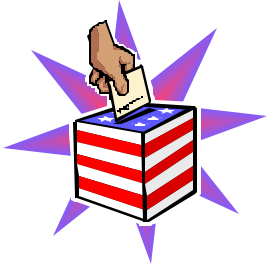
## **Hardships Associated with Serving on a Council**

There are often hardships that can be associated with volunteering on a Community Advisory Council. These include:

Long Hours	Potential Liability
Criticism	Politics
Phone Calls	Personal Expense



## Composition of Community Advisory Councils



Councils can be large with a 20 person board and 10 subcommittees. Others are small with a 5 person board and no subcommittees or subcommittees made up of volunteers other than council representatives.

The Community Advisory Councils in San Luis Obispo County have many different compositions. Some have representation based on geographic areas with subcommittees that evaluate projects only within their geographic area.

Other councils have geographic representation with subcommittees focused on specific issues such as circulation and land use. When an Area Plan update is occurring, or a Design Plan is being developed for a community, a council will often form a special subcommittee to evaluate those plans as they are being developed.

All of the Community Advisory Councils have a chairperson, a treasurer, and a secretary (or someone assigned to take notes, minutes and record recommendations during the meetings). Some members are appointed to these positions, some are elected and some simply volunteer.

Some of the councils hold yearly public elections, some hold elections every two years, some hold elections for the board members who then appoint other members, some have members who are all appointed and some use an application process to gauge interest and have the Board of Supervisors make the final appointment.

The variety of structures show there is no single way to organize a Community Advisory Council. Every attempt should be made to have Community Advisory Council membership reflect a broad cross-section of the community as was specified in the resolution adopted by the Board of Supervisors. How this is done should be based on a method that works best for your council. Each Community Advisory Council should use its own "homegrown" way of getting the community involved.

## **COUNCIL RELATIONSHIPS**

### **Elected Officials**

The Board of Supervisors authorized the Community Advisory Councils with the expectation that the members fully represent a broad cross section of their community. This representation needs to reflect the opinions and wishes of the community as a whole, not the individual membership. The Board members and other decision-makers wish to know the Community Advisory Council's recommendation when considering a decision on plans or projects that are in the council's area.

### **Department of Planning and Building Staff**

Each Community Advisory Council is assigned a Planning Staff Liaison. The role of the liaison is to be a contact person between the community and the department. The responsibilities of the liaison are:

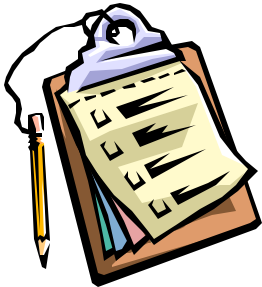
- attendance at the monthly Community Advisory Council meetings (this does not include sub-committee meetings)
- a resource for general questions on planning and land use, as well as on San Luis Obispo County plans and ordinances
- provision of information about new and on-going discretionary projects, including the status of such projects

## COMMUNITY ADVISORY COUNCIL PROCEDURE AND CONDUCT

Rules for how each Community Advisory Council operates are found in the council's by-laws. The section provides information regarding both required and recommended guidelines for operation, procedure and conduct of Community Advisory Councils.

### Agendas

The agenda should be organized, easy to follow, have a consistent format, and include the following minimum information:



1. The date of the meeting
2. Time and location of the meeting
3. The council's mailing address, contact number or email address
4. The order of business

In addition, you may want to include the following:

- The council's mission statement
- The names of the current officers and/or members of council
- The minutes of the previous meeting
- A specified open public comment period

## Public Notice of Meetings



The Community Advisory Council is the link between the community and the decision-makers and should be made up of a broad representation of the community. Thus it is important that the council conducts its business in an open and public manner. The public should be notified of all meetings of the council and its sub-committees. The easiest way to do this is to publicize the meeting agenda in advance of the actual meeting.

The council's agenda should be posted in a visible and accessible location that is well known to the community. This can be on a Community Advisory Council's website, in the local newspaper, on the community post office, on the community meeting room or on a general community information kiosk.

If a specific project is scheduled on the agenda for discussion, the council should send a copy of the agenda to the applicant. The county does not notify applicants of when their projects are reviewed by the council. By notifying the applicant, they have a chance to discuss their project with council members and all interested community participants. A copy of the agenda should also be sent to the Staff Liaison so they can be prepared to answer questions or provide information at the meeting.



## **Adequate Meeting Space**

The council is responsible for providing an accessible meeting space for the members of the community and other interested parties to attend Community Advisory Council meetings. The meeting space should have adequate seating and space for all who attend. It is important that all interested parties can identify council members and the chairperson, and that all council members and speakers can be heard.

## **Keeping Minutes**



The council should designate one person and a back up to take minutes at each meeting. This is a very important and sometimes difficult task. Some councils tape their meetings either in addition to, or in lieu of, written minutes.

The minutes of past meetings should be easily available for anyone who wishes to see them. For example, copies of the minutes can be kept in the community library or be posted on the council's or community's website.

It is also important to assign someone the responsibility of transmitting the council's recommendation to the Department of Planning and Building for inclusion in the staff report that is prepared for the project. The recommendation that is forwarded to the department should include comments that the council has approved. This can include project good points, project concerns, recommendations for changes in site design and architecture, and the vote.

## Role of the Chairperson



The chairperson is the leader of the council. The chairperson's responsibilities are explained in each council's by-laws. The chairperson is responsible for making sure that meetings proceed in a fashion that is conducive to fair and open discussion and rational decision-making. The chair must be familiar with the council's procedures and with the agenda items to be discussed at each meeting. The chairperson sets the tone of the meeting, keeps the discussion on track, encourages fairness, moderates and contributes to discussions and helps direct public comment to the issues at hand. Although some council's have chosen to

elect a chairperson for two year terms in order to have continuity, having different chairpersons, as well as different members on the council, provide for a diversity of points of view.

Running an effective meeting can be aided by using the following procedures:

1. Control the meeting - but make sure that you allow everyone to be heard
2. Treat everyone fairly - Everyone should be treated respectfully and equally, this includes any staff members attending from the county
3. Make a final recommendation - Matters brought to the council should be acted on in a timely manner
4. Not wasting people's time - Keep the discussion focused and on track

## **Qualities of a Good Chairperson**

The chairperson's focus should be on creating effective and open council meetings. S/he can achieve this by following these recommended guidelines:

- Focus on the subject under consideration, instead of personalities
- Keep a clear view of the big picture so that the meeting does not get bogged down in minor details
- Ask questions of the Staff Liaison in advance of the meeting so they can be prepared and not caught off-guard
- Follow the established rules for conducting meetings
- Assist the flow of ideas and help the members of the council stay on track
- Stay informed - read reports, review plans, ordinance and standards
- Provide an open and comfortable environment and allow an objective flow of ideas with council members, the public, applicants and county staff
- Have a sense of pace - know when to close testimony, conduct deliberations and make final recommendations

## **Practical Tips for the Community Advisory Council**

Advise the public to direct questions through the chairperson.

Use appropriate procedures and clarify those procedures before discussion and input on an agenda item.

Set time limits where appropriate

Define issues and avoid diversions

Deal with facts - don't deal with rhetoric.

Go beyond generalities.

Be sure that there is sufficient factual basis and information for reaching a recommendation.

Make decisions that are consistent with established practice, principles, and precedence.

Treat all participants in the meetings with respect and courtesy and assure the meetings are open - where all points of view are encouraged.





## PARLIAMENTARY PROCEDURE

### Making Motions

The following motions are grouped in the table below according to the purpose to be accomplished.

PURPOSE	MOTION
To introduce business	Move to main motion
To approve action	Move to accept, adopt or ratify
To modify or change	Move to amend or refer to a sub-committee
To defer action	Move to postpone to a definite time, refer to a subcommittee or lay on table
To limit discussion	Move to time debate
To stop discussion	Move the previous question
To determine correctness of an announced voice vote	Move for division of the council
To suppress a question	Object to consideration, move to postpone indefinitely, or lay on table
To object to decision of the chair	Move an appeal from the decision
To make a request	Call for point of information, rise to parliamentary inquiry, or raise questions of privileges
To consider a second time	Move to take from the table, reconsider, or rescind
To repeal action	Move to rescind

## Examples

Some examples of how to make motions:

“Madame Chair, I move that we have determined that this project is compatible with the community.”

“I second the motion...”

“Mr. Chairperson, I move to reconsider the council’s decision to limit public discussion time to ten minutes”

[no second]

“No second, therefore the motion is denied.”

“Chairperson Jones, I move that with the addition of landscaping between the site and the neighboring site to the west, the project is consistent with other development in the area”

“I second the motion...”



## **Quorum**

In order to make motions and vote on them, a quorum must be present. This means that over one half of the duly elected or appointed council members are present at the meeting.

## **Avoiding a conflict of interest**

A conflict of interest exists if financial interests or other opportunities for tangible personal benefit may exert a substantial and improper influence upon a council member's judgment in exercising decision-making.

Council members can avoid a conflict of interest by:

- abstaining from a vote on a proposed project if the member is directly involved with the project
- not talking privately about matters that concern the Community Advisory Council and the community
- not accepting gifts from people whose projects are in the review process and will be voted on by the council
- clearly stating at public meetings and hearings whether you are representing the action of the whole of the council or whether you are speaking as a private citizen



## **Open Meetings - Brown Act**

The “Brown Act” (Government Code sections 54950 et. seq.) states that meetings of public bodies must be “open and public and all persons shall be permitted to attend any meeting, except as otherwise in the Act” (e.g. personnel, litigation, etc.) and “actions may not be secret, and action taken in violation of open meeting laws may be voided.”

While the “Brown Act” does not apply to most Community Advisory Councils in their present form, it contains important rules that Community Advisory Councils will want to consider in organizing and running their meetings. The “Brown Act” describes a meeting as “[any] congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any items that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.” (Government Code section 54952.2).

This act applies to: Local Agencies such as the County Planning Department; Legislative Bodies such as the Board of Supervisors; standing councils of a covered board such as the Planning Commission; and non-profit corporations formed by a public agency or which includes a member of a covered board and receives public money from the covered board.

The act does not apply to: Ad hoc meetings; advisory councils consisting of less than a quorum of the covered board; courts and court agencies and state government.

Councils who are not covered by this act can still use it as a helpful guideline for holding official meetings.

The primary meeting rules of the “Brown Act” are to:

- Post and send notice and an agenda for any regular meeting

- Limit action to those items listed on the agenda

- Hold meetings in the jurisdiction of the agency

- Not require a “sign in” for anyone

- Allow recording and broadcast of the meetings

- Allow the public to address the council

- Conduct only public votes, with no secret ballots

- Treat documents as public “without delay”

If an illegal closed meeting has been held, the following actions may occur:

- Each member of the legislative body in attendance maybe found guilty of a criminal misdemeanor

- An interested party may file a civil suit against the legislative body

- A court may:

  - Force the agency to make and preserve tapes of closed sessions

  - Declare actions taken null and void

  - Award costs and attorney fees

## **Due Process**

The Fifth Amendment of the United States grants that “No person shall be ... deprived of life, liberty, or property, without due process of law.”

Due process means that before a decision is made, all information must be considered and everyone has an opportunity to participate in accordance with the rules of the council.

Additionally, California State Law section 11445.10(b) states that:

“The informal hearing procedure is intended to satisfy due process and public policy requirements in a manner that is simpler and more expeditious than hearings procedures otherwise required by statute, for use in appropriate circumstances.

## **Liability**

Advisory groups in San Luis County are private associations which have undertaken the study of various land use projects and policies for the sole purpose of giving input to official County boards and commissions, such as the Planning Commission and Board of Supervisors. Such groups have assisted in all supervisorial districts by letting appointed and elected officials gain an understanding of each community's concerns.

The County has had a long-standing policy of treating County volunteers as employees for a purposes of providing defense and indemnification from claims and lawsuits. The County has adhered to the Tort Claims Act by treating volunteers in the same fashion it does employees, by recognizing that a volunteer acting within the scope of their duties performed on behalf of the County would be entitled to defense and indemnity provided their actions have not been taken because of fraud, corruption, or malice. This means that for claims arising out of advisory decisions taken by a recognized community advisory group, and for activity directly related to those decisions, the County would be responsible for defending individual advisory board members who are the subject of claims or litigation. With regard to the provision that an advisory board member not act with fraud, corruption, or malice, this generally requires that the advisory committee member avoid making recommendations on the basis of personal animosity or bias against a project proponent or opponent.

## **SAN LUIS OBISPO COUNTY FACTS**

By the numbers.....

The population of San Luis Obispo County is 234,148+

The county is 3,300 square miles

There are 114 miles of coastline in the county

There are six mountain ranges in the county

Caliente	Irish Hills
La Panza	San Luis
Santa Lucia	Temblor

Approximately 80% of the privately owned land in the county is designated Agriculture

There are seven incorporated cities in the county:

Arroyo Grande	Atascadero
Grover Beach	Morro Bay
Paso Robles	Pismo Beach
San Luis Obispo	

The following unincorporated areas have established urban reserve lines and are considered as "urban areas":

Avila Breach	Cambria
Cayucos	Los Osos
Nipomo	Oceano
San Miguel	Santa Margarita
Shandon	Templeton



This handbook has been prepared by

County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, Ca. 93408-2800

(805) 781-5600  
[www.sloplanning.org](http://www.sloplanning.org)

County Offices are located on the corner of Osos and Palm Streets in the City of San Luis Obispo. Offices are open from 8 a.m. to 5 p.m. daily.

County staff can be reached by email at:  
first name initial and last name @ co.slo.ca.us  
[example: jsmith@co.slo.ca.us]